

Chapter 21 MOTOR VEHICLES AND TRAFFIC

ARTICLE VII. INOPERATIVE VEHICLES

Sec. 21-142. Definitions.

For the purposes of this article, the following words and terms shall have the meanings ascribed to them in this section:

Inoperative vehicle means any vehicle, trailer, or semitrailer, or portion thereof, which is not in operating condition; or which, for a period of sixty (60) days or longer, has been partially or totally disassembled by the removal of tires and wheels, the engine, or other essential parts required for the operation of the vehicle; or on which there are displayed neither valid license plates nor a valid inspection decal.

Motor vehicle means any vehicle which is self-propelled or designed for self-propulsion. Any structure designed, used or maintained primarily to be loaded on or affixed to a motor vehicle to provide a mobile dwelling, sleeping place, office or commercial space shall be considered a part of a motor vehicle.

Notice means the notice required by sections 21-144 and 21-146 of this article.

Semitrailer means any vehicle of the trailer type so designed and used in conjunction with a motor vehicle that some part of its own weight and that of its own load rests or is carried by another vehicle.

Shielded or screened from public view means completely precluding visibility of the subject vehicle from all adjacent streets, alleys and properties, by placing the vehicle within: (1) a fully enclosed building or structure, or (2) an area completely enclosed either by a solid, rigid, opaque fence composed of standard fencing materials or by a landscaped arrangement of nondeciduous trees, sufficient in height, spacing, density and circumference. The number of vehicles that may be shielded by placing, draping or securing of a tarpaulin, or other nonrigid cover, over or around an inoperative vehicle shall be zero (0).

Trailer means any vehicle without motive power designed for carrying property or passengers wholly on its own structure and for being drawn by a motor vehicle, including mobile homes.

Vehicle means every device, in or on, by which any person or property is or may be transported or drawn on a highway, except devices moved by human power or used exclusively on stationary rails or tracks. For the purpose of this chapter, mopeds shall not be considered vehicles.

(Ord. No. 99-07.22, 7-6-99)

Sec. 21-143. Open storage of inoperative vehicles.

(a) It shall be unlawful for any person to keep, except within a fully enclosed building or structure or otherwise shielded or screened from public view, on any property zoned for residential, commercial, or agricultural purposes, any motor vehicle, trailer, or semitrailer, as such are defined in section 46.2-100 of the Code of Virginia, which is inoperative.

(b) For the purposes of this section, an "inoperative motor vehicle" is any motor vehicle, trailer or semitrailer, or portion thereof, which is not in operating condition or which, for a period of sixty (60) days or longer, has been partially or totally disassembled by the removal of tires and wheels, the engine or other essential parts required for operation of the vehicle; or on which there are displayed neither valid license plates nor a valid inspection decal.

(c) The owners of real property zoned for residential, commercial or agricultural purposes shall remove or cause to be removed therefrom any inoperative motor vehicle, trailer or semitrailer that is not kept within a fully enclosed building or structure or otherwise shielded or screened from public view; however, the limit to the number of inoperative motor vehicles which any person may keep outside of a fully enclosed building or structure, but which are shielded or screened from view by covers, shall be zero (0).

(d) The City may, in the manner provided by this article remove and dispose of any inoperative motor vehicle, trailer or semitrailer found in violation of this section, whenever the owner of the real property upon which the same is located has failed, after notice, to do so. The cost of any such removal and disposal by the City shall be chargeable to the owner of the vehicle or filed as a lien against the real or personal property of the owner of the premises where the inoperative motor vehicle is cited and, if not otherwise recovered, may be collected by the City as taxes and levies are collected and shall have the same effect as a tax lien on the owner's property.

(e) Every cost authorized by this section with which the owner of the real property has been assessed shall constitute a lien against the real property from which the vehicle was removed, the lien to continue until actual payment of such costs has been made to the City.

(f) The provisions of this section shall not apply to a licensed business which, on June 26, 1970, was regularly engaged in business as an automobile dealer, salvage dealer or scrap processor.

(Ord. No. 99-07.22, 7-6-99)

Cross references: Abandoned vehicles, § 21-135 et seq.

State law references: Authority for above section, Code of Virginia, § 15.2-904.

Sec. 21-144. Notice of removal of inoperative vehicles.

(a) An owner of any property upon which any inoperative vehicle is located which is zoned for residential, commercial or agricultural purposes, shall bring such vehicle and property into compliance with the requirements of this article within thirty (30) calendar days of the date of notice to the owner of the property upon which such inoperative vehicle is located, that such vehicle is in violation of this article. The notice to the owners of the premises upon which such inoperative vehicle is located shall (1) reasonably describe the inoperative vehicle in violation of this article; (2) state that any owner of such inoperative vehicle or property owner on which such inoperative vehicle is located may appeal the City's decision that the vehicle is in violation of this article by filing a notice of appeal with the City's Community Development Department Director; (3) state that failure to comply with the requirements of this article within the time frames may result in the removal and disposal of the vehicle; and (4) state that such removal and disposal may be at the expense of the owner of such inoperative vehicle or the owner of property upon which such vehicle is located.

(b) Whenever an owner of any property upon which such inoperative vehicle is located fails to bring such inoperative vehicle into compliance with the requirements of this article within thirty (30) calendar days of such notice, the City may remove such inoperative vehicle from the property.

(c) Notice to the owner of property on which an inoperative vehicle is located, may be given by certified mail. In the case of an owner of property on which an inoperative vehicle is located, notice shall be sent to the address of such property owner as set forth in the records of the department of real estate valuation for the City. Notice under this subsection shall be complete

and sufficient, and the date of notice under this subsection, when such notice is addressed and deposited with the United States Postal Service, certified mail, postage prepaid.

(d) If notice is returned by the postal authorities, the City shall post a copy of the notice in a conspicuous place on the property on which the inoperative vehicle either is located or was located at the time it was removed, and shall give notice by publication once in a newspaper of general circulation in the area in which the inoperative vehicle either is located or was located at the time it was removed. Notice by publication may contain multiple listings of inoperative vehicles which will be or were removed. Notice under this subsection shall be complete and sufficient, and the date of notice under this subsection shall be on the later of the date on which the posting is accomplished or the date of publication.

(e) In lieu of notice by certified mail, notice to an owner of property on which an inoperative vehicle is located may be given in writing in person to such property owner. Notice under this subsection shall be complete and sufficient, and the date of notice for purposes of this article, shall be the date on which the notice is handed to such property owner.

(Ord. No. 99-07.22, 7-6-99)

Sec. 21-145. Removal of inoperative vehicles.

If after notice under section 21-144 of the City Code, the inoperative vehicle has not been removed, the violation corrected or the violation appealed; the City and/or its agent may remove the inoperative vehicle described in the notice from the property.

(Ord. No. 99-07.22, 7-6-99)

Sec. 21-146. Notice of disposal of unclaimed inoperative vehicles.

Whenever the City causes the removal of any inoperative vehicle to an impoundment lot, the City or its agent shall give notice in writing by certified mail as soon as possible, but, in no event more than five (5) business days after the removal of the inoperative vehicle, to the owner of record of the inoperative vehicle and all persons holding a security interest in the inoperative vehicle as reported by the Division of Motor Vehicles for the Commonwealth of Virginia, that the vehicle has been taken into custody and will be sold if the cost of removal, storage and the one-hundred-dollar administrative fee is not paid. The notice shall (1) describe the year, make, model and serial number of the inoperative vehicle; (2) set forth the location of the facility where the inoperative vehicle is being held; (3) inform the owner and any holder of a security interest in the inoperative vehicle of their right to reclaim the inoperative vehicle within twenty-one (21) days after the date of notice upon payment of the cost of removal; (4) state that the failure of the owner or the holder of a security interest in such inoperative vehicle to exercise their right to reclaim the inoperative vehicle within the time provided may result in the inoperative vehicle being disposed of; and (5) state that the owner of the inoperative vehicle, or the owner of the premises on which the inoperative vehicle was located at the time it was removed, may be liable for the cost of removal and disposal of the inoperative vehicle.

(Ord. No. 99-07.22, 7-6-99)

Sec. 21-147. Disposition of inoperative motor vehicle.

(a) Whenever any inoperative vehicle is not reclaimed by the owner of such inoperative vehicle, or by any holder of a security interest therein, by payment of the cost of removal of the inoperative vehicle within the time specified in the notice set forth in section 21-146, the City or its authorized agent may dispose of the inoperative vehicle.

(b) If an inoperative vehicle is not reclaimed as provided above, the City or its authorized agent shall sell it or cause it to be sold by any commercially reasonable means. From the proceeds of the sale of an inoperative vehicle, the City, or its authorized agent, shall reimburse itself for the expenses of the sale, the cost of towing, a one-hundred-dollar administrative fee preserving and storing the vehicle which resulted from placing the inoperative vehicle into custody. Any remainder from the proceeds of a sale shall be held for the owner of the abandoned motor vehicle or any person having security interests therein, as their interests may appear, for ninety (90) days, and then be deposited with the treasurer of the City.

(c) The cost for the removal and disposal of an inoperative vehicle plus a one-hundred-dollar administrative fee may be charged to the owner of such vehicle, or the owner of the property from which such vehicle was removed, or both. Such costs may be collected by the City as taxes and levies are collected.

(d) Any such costs assessed against the property from which the vehicle was removed shall constitute a lien against the property and shall continue until actual payment of such costs has been made to the City.

(Ord. No. 99-07.22, 7-6-99)

Sec. 21-148. Appeals.

(a) Any person aggrieved by a decision of the City in connection with the administration or enforcement of this article may appeal such decision by filing a written notice of appeal with the City's Department of Community Development Director within thirty (30) calendar days of the filing of notice pursuant to section 21-144 by the City. Any such notice of appeal shall state the following in writing:

- (1) The order, requirement, decision or determination which is the subject of the appeal;
- (2) The date of the decision; and
- (3) The reason(s) for the appeal.

(b) Upon receipt of an appeal by the City's Department of Community Development Director, the City shall designate a person, or panel of persons consisting of an odd number of persons, who did not participate in making the determination under review to hear the appeal.

(c) The appeal shall be heard as soon as possible after the filing of the appeal, but in no event more than ten (10) business days after the filing of the appeal, unless the appeal officer, or panel, and the aggrieved person agree to an extension of the ten-day deadline.

(d) The appeal officer, or panel, shall announce any decision within five (5) business days after the hearing, unless the appeal officer, or panel, and the aggrieved person agree to an extension of the five-day deadline. The appeal officer, or panel, shall have authority to affirm, modify or reverse the City's decision, including the authority to order appropriate relief under all circumstances.

(e) Extension of deadlines pursuant to this section shall extend any other deadline within this article by an equal number of business or calendar days, as appropriate.

(f) Any appeal filed under the provisions of this section shall stay enforcement of the order until such appeal has been reviewed and decided.

(Ord. No. 99-07.22, 7-6-99)